

AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1819

Introduced by Assembly Member Shelley

(Principal coauthor: Senator Speier)

~~(Coauthors: Assembly Members Cardoza, Dutra, Honda, Keeley, Knox, Kuehl, Leach, Lowenthal, Machado, Scott, Soto, Strom-Martin, and Washington)~~

~~(Coauthors: Senators Alpert and Karnette)~~

~~(Principal coauthor: Assembly Member Washington)~~

~~(Coauthors: Assembly Members Alquist, Cardoza, Correa, Cunneen, Davis, Dutra, Havice, Hertzberg, Honda, Keeley, Knox, Kuehl, Leach, Lowenthal, Machado, Mazzoni, Scott, Strickland, Strom-Martin, and Zettel)~~

~~(Coauthors: Senators Alarcon, Alpert, Bowen, Dunn, Karnette, McPherson, Ortiz, Solis, and Soto)~~

February 3, 2000

An act to amend Section 13515 of the Penal Code and to amend ~~Sections 15610.43 and~~ Section 15610.53 of the Welfare and Institutions Code, relating to elder abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as amended, Shelley. Elder abuse.

Existing law requires police officers and deputy sheriffs assigned field or investigate duties to complete an elder abuse training course certified by the Commission on Peace Officer Standards and Training. The training is required to include specified subjects.

This bill would *expand and* recast the specified subjects *to include dependent adults* and would add to the list of required subjects physical and psychological abuse of ~~elders~~ *elder and dependent adults*, and the role of the local adult protective services and public guardian offices. The bill would also require the Attorney General's office in conjunction with the Health and Human Services Agency to establish a statewide *elder and dependent* abuse awareness media campaign.

Existing law establishes the Elder Abuse and Dependent Adult Civil Protection Act which, among other things, requires specified mandated reporters to report instances of elder abuse, as defined, under certain circumstances and requires those reports to be investigated by local law enforcement and child protective agencies as specified. Elder abuse is defined to include ~~isolation of an elder~~ *mental suffering*.

This bill would expand the definition of ~~isolation to include convincing or persuading an elder or dependent adult by deliberately false or misleading statements or by deceptive acts that cause the elder or dependent adult to believe that his or her family, friends, or concerned persons wish to terminate all contact with him or her or are not acting in his or her best interest~~ *mental suffering to include, among other things, deliberately false or misleading statements or deceptive acts*. By expanding the definition of reportable elder or dependent abuse, this bill would impose increased duties on local officials.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 13515 of the Penal Code is amended to read:

13515. (a) Every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties shall complete an elder *and dependent adult* abuse training course certified by the Commission on Peace Officer Standards and Training within 18 months of assignment to field duties. Completion of the course may be satisfied by telecourse, video training tape, or other instruction. The training shall, at a minimum, include all of the following subjects:

- (1) Relevant laws.
- (2) Recognition of elder *and dependent adult* abuse.
- (3) Reporting requirements and procedures.
- (4) Neglect of elders *and dependent adults*.
- (5) Fraud of elders *and dependent adults*.
- (6) Physical abuse of elders
- (7) Psychological abuse of elders *and dependent adults*.

(8) The role of the local adult protective services and public guardian offices.

(b) The topical areas above reflect the elder *and dependent adult* abuse course curricula currently approved by the Commission. The course may be presented as part of a training program that includes other subjects or courses.

(c) The Attorney General's office in conjunction with the Health and Human Services Agency shall establish a statewide elder *and dependent adult* abuse awareness media campaign.

~~SEC. 2. Section 15610.43 of the Welfare and Institutions Code is amended to read:~~

~~15610.43. (a) "Isolation" means any of the following:~~

~~(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.~~

~~(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.~~

~~(3) False imprisonment, as defined in Section 236 of the Penal Code.~~

~~(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.~~

~~(5) Convincing or persuading an elder or dependent adult by deliberately false or misleading statements or by deceptive acts that cause the elder or dependent adult to believe that his or her family, friends, or concerned persons wish to terminate all contact with him or her, including, but not limited to, termination of telephone calls or visits, or that his or her family, friends, or concerned persons are not acting in his or her best interest.~~

~~(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.~~

~~(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.~~

~~SEC. 3.~~

~~SEC. 2.~~ Section 15610.53 of the Welfare and Institutions Code is amended to read:

~~15610.53. "Mental suffering" means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by threats,~~

~~harassment, or other forms of intimidating behavior or by
deliberately false or misleading statements or deceptive
acts specifically intended to isolate that elder or
dependent adult pursuant to paragraph (5) of subdivision
(a) of Section 15610.43: forms of intimidating behavior,
threats, harassment, or by deliberately false or misleading
statements or deceptive acts.~~

~~SEC. 4.~~

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.